

FILED

AUG 03 2020

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KB DEPUTYIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

Name (under which you were convicted): DEULLIS JONES		Docket or Case No.: CIV-20-758-SLP
Place of Confinement: JOSEPH HARP CORRECTIONAL CENTER	Prisoner No.: 206873	
Petitioner (include the name under which you were convicted): DEULLIS JONES	Respondent (authorized person having custody of petitioner): UNITED STATES OF AMERICA FEDERAL BUREAU OF PRISONS STATE OF OKLAHOMA	
The Attorney General of the State of: UNITED STATES OF AMERICA		

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2254

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

OKLAHOMA COUNTY DISTRICT COURT

- (b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know):

- (b) Date of sentencing:

3. Length of sentence:

4. In this case, were you convicted on more than one count or of more than one crime?
- ☒
- Yes
- ☐
- No

5. Identify all crimes of which you were convicted and sentenced in this case:

FIRST DEGREE RAPE (2)
ASSAULT & BATTERY - W - DANGEROUS WEAPON ROBBERY - W DANGEROUS WEAPON
FORCIBLE ORAL SODOMY
ASSAULT AND BATTERY W DEADLY WEAPON - W INTENT TO KILL

6. (a) What was your plea? (Check one)

☒ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

.....
.....
.....
.....

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: Oklahoma County District Court

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised: Not Guilty Charges

.....
.....
.....
.....

(g) Did you seek further review by a higher state court? ☐ Yes ☒ No

If yes, answer the following:

N/A

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

.....
.....

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(4) Date of result (if you know):

N/A

(5) Citation to the case (if you know):

(6) Grounds raised:

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

☐ Yes

☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

N/A

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

(7) Result:

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- 12 For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

ALL PETITIONERS CRIME FALL WITHIN INDIAN COUNTRY, AND UNDER THE MAJOR CRIMES ACT
GROUND ONE:

JURISDICTION, NO STATE OF OKLAHOMA JURISDICTION

- ① (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

WE CITE THE SUPREME COURT RULING OF JULY 9, 2020 IN MCGIRT V OKLAHOMA, NO 18-9526 MAY 11, 2020 → 18 U.S.C. § 1153 (A) "INDIAN COUNTRY" INCLUDES ALL LAND WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE U.S. GOVERNMENT. OUR CRIME WAS IN INDIAN COUNTRY AND THE CRIME FALLS UNDER THE MAJOR CRIMES ACT, MEANING THE STATE OF OKLAHOMA DOES NOT HAVE JURISDICTION, THE STATE AND ALL OKLAHOMA COURTS HAVE KNOWN FOR YEARS THAT THEY LACKED JURISDICTION.

② WE ALSO CITE MURPHY V ROYAL NOS. 07-7068 & 15-7041 AUG 8, 2007, WHEN THE MAJOR CRIMES ACT APPLIES, JURISDICTION IS EXCLUSIVELY FEDERAL, SEE NEGONSOOT V SAMUELS, 507 U.S. 99, 103 (1993), SEE U.S. V PRENTISS, 256 F.3d 971 (10TH CIR. 2001) (ENBANC), INDIAN - NON INDIAN STATUS OF THE VICTIM MUST BE ALLEGED AND PROVEN IN THE INDICTMENT TRIAL.

- (b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

JURISDICTION IS SUFFICIENT, UNDER MAJOR CRIMES ACT IF ANY PART OF THE CRIME TOOK PLACE IN INDIAN COUNTRY, WHICH OURS DID.
THIS IS NEWLY DISCOVERED EVIDENCE UNKNOWN UNTIL NOW TO PETITIONER

- (c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

JUST NOW WE ARE RAISING THIS ISSUE

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

HABEAS ATTACK OF CONVICTION

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

NOT YET WE WILL SOON

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(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

WE HAVN'T FILED THIS PETITION AS OF YET.

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed. N/A

Docket or case number (if you know).

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: INEFFECTIVE ASSISTANCE OF COUNSEL,STRICKLAND V WASHINGTON, CONTRARY TO FEDERAL LAW

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE SUPREME COURT HAS RECOGNIZED THAT A LEGAL FRAMEWORK FOR EVALUATING A GIVEN TYPE OF CLAIM CAN CONSTITUTE CLEARLY ESTABLISHED FEDERAL LAW UNDER § 2254 (b) (1). FOR EXAMPLE, THE COURT'S DECISION IN STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984) ANNOUNCED A TWO-PART TEST FOR EVALUATING CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL, SEE Id. AT 687 (SEE MURPHY V ROYAL) [DISCUSSING PERFORMANCE AND PREJUDICE]. AND THE COURT HAS SINCE SAID THIS FRAMEWORK CONSTITUTES CLEARLY ESTABLISHED FEDERAL LAW. SEE WILLIAMS, 529 U.S. AT 391 SEE MURPHY V ROYAL. OUR COUNSEL WAS INEFFECTIVE IN THAT THEY DIDN'T ARGUE "INDIAN COUNTRY" JURISDICTION, NOR MAJOR CRIMES ACT, NOR GRAND JURY TO ESTABLISH JURISDICTION.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

HAVN'T FILED THIS ATTACK YET.

IT IS A FACT; SOMETHING THAT ACTUALLY EXISTS^①, THE STATE OF OKLAHOMA LACKED JURISDICTION^② HAVE KNOWN FOR YEARS THEY LACKED PROPER JURISDICTION, ALONG WITH THE COURTS^③ MUST PLACE US IN FRONT OF A GRAND JURY ACCORDING TO THE U.S. CONSTITUTION, BUT CHOSE NOT TO.

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(2) If you did not raise this issue in your direct appeal, explain why:

NEW INFORMATION, NEWLY DISCOVERED, HOWEVER INEFFECTIVE
ASSISTANCE OF COUNSEL FOR NOT LETTING US KNOW.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

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GROUND THREE:

DOUBLE JEOPARDY — PROHIBITED BY THE FIFTH AMENDMENT.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

1847, THE FACT OF BEING PROSECUTED OR SENTENCED TWICE FOR SUBSTANTIALLY THE SAME OFFENSE • DOUBLE JEOPARDY CLAUSE (1928), THE FIFTH AMENDMENT PROVISION STATING, "NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB".

* SEE STATE V LITTLECHIEF, OCCA 573 P.2D 263 (1978), THE FEDERAL GOVERNMENT STILL HAS EXCLUSIVE JURISDICTION OVER INDIAN COUNTRY LOCATED WITHIN OKLAHOMA BOUNDARIES

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

* WE HAVEN'T APPEALED THIS HABEAS YET, THIS IS AND WAS AT ALL TIMES A FEDERAL CASE NOT A STATES CASE, SEE ABOVE.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

NOT YET WE SHOULDN'T NEED TO

(2) If you answer to Question (c)(1) is "Yes," state: THE OUTCOME IS CLEAR

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

FEDERAL ISSUE, NOT A STATE ISSUE
DON'T WORRY WE COMING.

GROUND FOUR: NONE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

NONE ONLY 3 ISSUES IN THIS HABEAS

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

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Type of motion or petition:

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

ALL OF OUR GROUNDS ARE STATED IN THIS HABEAS CORPUS, WHICH ARE NO STATE JURISDICTION. IT WAS UNDERSTOOD WE SHOULD HAVE BEEN PLACED IN FRONT OF A GRAND JURY WHICH IS OUR CONSTITUTIONAL RIGHT, THIS OF COURSE DID NOT HAPPEN. THIS IS A FEDERAL CASE PERIOD.

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

NO GROUND 4

Name and location of the court where the motion or petition was filed:

NIA

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes

☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes

☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

NONE

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

NONE

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR: NONE

(a) **Supporting facts** (Do not argue or cite law. Just state the specific facts that support your claim.):

JURISDICTIONAL FACT, (1837), A FACT THAT MUST EXIST FOR
A COURT TO PROPERLY EXERCISE ITS JURISDICTION OVER A CASE,
PARTY, OR THING.

(b) If you did not exhaust your state remedies on Ground Four, explain why:

NO GROUND FOUR
HOWEVER IT'S NOT A STATE ISSUE AND NEVER WAS.

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

N/A

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

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13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

WE ARE JUST NOW PRESENTING THEM AFTER HEARING ABOUT THE RECENT SUPREME COURT RULINGS AND LEARNING FROM THE SUPREME COURT THE STATE OF OKLAHOMA HAS KNOWN FOR OVER 30 YEARS THEY HAD NO JURISDICTION.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

THEY ARE PRESENTED IN THIS PETITION ALL OF OUR GROUNDS FOR ATTACKING OUR SENTENCE; SIMPLY PUT NO STATE OF OKLAHOMA JURISDICTION.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing

Do not Remember

(b) At arraignment and plea:

(c) At trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

LD

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

CONTRARY TO, OR INVOLVED AN UNREASONABLE APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW AS DETERMINED BY THE U.S. SUPREME COURT. NO STATE JURISDICTION, BUT WE WERE PROSECUTED ILLEGALLY ANYWAY AND THE COURTS AND PROSECUTION KNEW IT.

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18. **TIMELINESS OF MOTION.** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

IN OKLAHOMA, "ISSUES OF SUBJECT MATTER JURISDICTION ARE NEVER WAIVED AND CAN THEREFORE BE RAISED ON A COLLATERAL APPEAL SEE WALLACE V STATE, 935 P.2d. 366, 372 (OKLA. CRIM. APP. 1997), SEE ALSO TRIPLETT V FRANKLIN, 365 F. App'x 86, 95 (10TH CIR. 2010) (UNPUBLISHED) RECOGNIZING THAT IN OKLAHOMA, ISSUES OF SUBJECT MATTER JURISDICTION ARE NOT WAIVABLE AND CAN BE RAISED FOR THE FIRST TIME IN COLLATERAL PROCEEDINGS). SEE MAGNAN V TRAMMELL, 719 F.3d. 1159 (10TH CIR 2013), THE OCCA HAD ERRED IN CONCLUDING OKLAHOMA HAS JURISDICTION OVER THE CASE. WE HELD THE CRIME OCCURRED IN INDIAN COUNTRY, (AS DID OURS), MAKING JURISDICTION EXCLUSIVELY FEDERAL. NEGONSO TJ SAMUELS, 507 (1993) SEE ALSO MURPHY V ROYAL NOS. 07-7068 & 15-7041.

ALSO AEDPA DOESN'T APPLY BECAUSE THIS CASE DOESN'T EXIST THE STATE HAD NO, NO, NO, JURISDICTION TO ARREST, CONVICT, OR SENTENCE PETITIONER TO STATE TIME. IN FACT WE SAY THE COURTS ARE GUILTY OF KIDNAPPING ACCORDING TO 18 U.S.C. § 1201, WHOEVER ILLEGALLY CONFINES, DECOYS, KIDNAPS, ABDUCTS, SEIZES, OR TAKES AWAY A PERSON AND HOLDS FOR RANSOM OR PRIZE CAN BE CONSIDERED A CRIMINAL.

ALSO THE STATE HAS: FALSIFYING A RECORD, THE CRIME OF MAKING FALSE ENTRIES OR OTHERWISE TAMPERING WITH A PUBLIC RECORD WITH THE INTENT TO DECEIVE OR INJURE OR TO CONCEAL WRONGDOING 18 U.S.C.A. § 1506 MODEL PENAL CODE § 224.4

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

AEDPA ATTACK CONT

AMENDMENT XIV

NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY; WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAW.

- NO PERSON SHALL BE HELD TO ANSWER FOR ANY CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY.

- SEE MARBURY V MADISON, INDEFINITE DETENTION BASED SOLELY ON AN INMATES COMMITTED OFFENSE, REGARDLESS OF THE EXTENT OF HIS REHABILITATION AT SOME POINT, VIOLATES DUE PROCESS.

- MARBURY V MADISON, 5 U.S. 137 (1803), THE SUPREME COURT HELD THAT CONGRESS CANNOT PASS LAWS THAT ARE CONTRARY TO THE CONSTITUTION.

- SKINNER V OKLAHOMA (1942), WHEN THE LAW LAYS AN UNEQUAL HAND ON THOSE WHO HAVE COMMITTED INTRINSICALLY THE SAME QUALITY OF OFFENSE AND STERILIZES ONE AND NOT THE OTHER, IT HAS MADE AS INVIDIOUS DISCRIMINATION AS IF IT HAD SELECTED A PARTICULAR RACE OR NATIONALITY FOR OPPRESSIVE TREATMENT.

PLAINTIFFS CITE THE KENNEDY ORDER FILED IN CLEVELAND COUNTY IN CRF. 72-187 DEC 7, 2015. JUDGE PAYTON FOUND KENNEDY'S LIFE SENTENCE WAS DISCHARGED AFTER 22 1/2 YEARS. HOWEVER THE STATE OF OKLAHOMA HELD MR. KENNEDY FOR 43 YEARS. WHY? THIS WHAT THEY HAVE DONE TO ALL OF US WITH THESE ILLEGAL SENTENCES.

SEE SWEEDEN V STATE, 172 P.2D. 432, 435 (OKLA. CRIM. APP. 1946), THE BURDEN OF ESTABLISHING JURISDICTION IN THE PROSECUTION RESTS WITH THE STATE. AS THE PARTY BRINGING THE PROSECUTION, THE STATE HAS THE BURDEN TO SHOW THAT THE COURT IN WHICH IT WISHES TO LITIGATE HAS JURISDICTION OVER THE CASE.

OBVIOUSLY IT WAS THE WRONG COURT AS THE STATE OF OKLAHOMA LACKED JURISDICTION TO PROSECUTE US.

✱ EXCLUSIONARY RULE

THESE ALLEGATIONS SUFFICIENTLY CHARGE A DEPRIVATION OF RIGHTS GUARANTEED BY THE FEDERAL CONSTITUTION, AND, IF PROVEN, WOULD ENTITLE PETITIONER'S RELEASE FROM THEIR PRESENT CUSTODY.

WE HAVE OBVIOUSLY SHOWN AND PROVEN NO STATE JURISDICTION AND A TOTAL DISREGARD FOR JUSTICE AND DEPRIVATION OF OUR CIVIL RIGHTS.

RESPECTFULLY SUBMITTED,
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CANNOT BE A SUCCESSIVE 2254 OR AN A.E.D.P.A. VIOLATION
* AS THE STATE LACKED JURISDICTION TO PROSECUTE MAKING
PETITIONER'S SENTENCE ILLEGAL AND EXPIRED.
SEE MCGIRT V OKLAHOMA & MURPHY V ROYAL
SUPREME COURT RULINGS

Therefore, movant asks that the Court grant the following relief: TO RELEASE, TO DISCHARGE IMMEDIATELY
PETITIONER, AND GRANT IMMUNITY FROM FURTHER PROSECUTION, AND TO EXSPUNGE RECORD OF ARREST:
(2) OR TURN PETITIONER OVER TO FEDERAL AUTHORITIES FOR PROPER SENTENCING.
or any other relief to which movant may be entitled.

Pro SE

Signature of Attorney (if any)

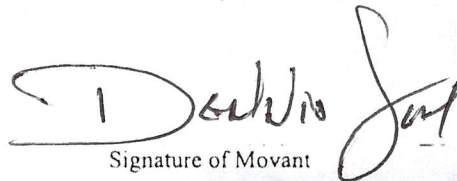
I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion
under 28 U.S.C. § 2255 was placed in the prison mailing system on

(month, date, year)

Executed (signed) on

(date)

7-29-20



Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.